

**REMARKS**

Independent Claims 1, 5, 11 and 13 have been amended. Claims 2, 6 and 10 were previously cancelled. New Claims 14-17 have been added. Claims 1, 3-5, 7-9 and 11-17 are pending.

**Rejections in view of de Vries**

The Examiner rejected the claims 1, 5, 8, 9 and 11-13 as being anticipated by J.A. de Vries, *Ingredients and Biotechnology* 2(23):26-27 (1995) (hereinafter “de Vries”). The Examiner rejected Claims 3, 4 and 7 as being obvious in view of de Vries.

Independent Claims 1, 5, 11 and 13 have been amended to recite specific types and amounts of cross-linking agents used in the starch and starch products of the present invention, and methods of making same. New Claims 14-17 further define the amounts of cross-linking agents used. Support for these amendments, and these new claims, is found throughout the specification, including page 12, line 3, to page 13, line 8; and page 16, lines 17-24, of the present specification.

In contrast, these cross-linking agents are not disclosed in de Vries. Accordingly, de Vries cannot anticipate the present invention.

Moreover, the present invention is not obvious in view of de Vries. In particular, the use of cross-linked starches in foodstuff subject to shear or heat treatment was thought to have disadvantages. For example, cross-linked starches subject to such treatment was thought to not be able to provide foodstuff with a short, smooth or creamy texture, and with a shiny appearance. That is, use of cross-linked starches in foodstuff subject to shear and heat was thought to result in foodstuff having a bland or coarse texture, or dull appearance. (See specification page 7, lines 11-29.)

Unexpectedly, it has now been discovered that cross-linking non-cereal starch with particular types of cross-linking agents, used in particular amounts, results in starches with desirable characteristics. For example, adding the cross-linked non-cereal starch of the present invention to the ingredients of a foodstuff provides foodstuff with a short or smooth texture and/or shiny appearance after heat and/or shear treatment.

If the Examiner has any questions, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the telephone number provided below.

Respectfully submitted,



Susan A. Sipos  
Registration No.: 43,128  
Attorney for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
SAS

197242